

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

BRANDY BROYLES,
LAMAR BRANDON MOSLEY,
AND ANTONIO TERRELL BRAGG,

Plaintiffs,

v.

Civil Action No. 2:05-cv-00605

KFC OF AMERICA, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

The court conducted a status conference addressing the posture of this case and Defendant KFC of America, Inc.'s ("KFC's") Motion to Compel. (Docket # 32, 33.) The court had previously entered an Order directing Plaintiffs to answer the discovery sought by the Motion to Compel within seven (7) days of receipt of its Order (docket # 46); however, upon notification by Plaintiffs' counsel that he was unable to reach his clients in order to comply, the court suspended that Order and scheduled this hearing. The court consulted both counsel in setting the date of the hearing, and all Plaintiffs were instructed to attend in person with their counsel. (Docket # 47.)

Plaintiff Brandy Broyles was the only plaintiff who attended the hearing. Plaintiffs' counsel stated that he attempted to

contact his other clients, but does not have currently accurate addresses or phone numbers for them, which has presented an ongoing problem throughout this case. Both he and Plaintiff Broyles have tried to locate Messrs. Mosley and Bragg, but letters are returned and given phone numbers are no longer in service.

Meanwhile, discovery expires on February 24, 2006, and the deadline for summary judgment motions is March 17, 2006. Mindful of Plaintiffs' counsel's difficulty reaching his clients, the court inquired and Plaintiffs' counsel requested two additional weeks from today in which to respond to discovery pursuant to the court's previous Order. The court granted such request and now **ORDERS** that the discovery directed by the court's January 27, 2006 Order shall be provided, in hand to defense counsel, no later than the close of business Monday, February 27, 2006. Discovery shall be completed by the close of business Tuesday, March 7, 2006. All other dates in Judge Copenhaver's Scheduling Order shall remain in full force and effect.

The Clerk is instructed to transmit copies of this Order to counsel of record.

ENTER this 13 day of February, 2006.


Mary E. Stanley
United States Magistrate Judge